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**UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NEW YORK**

Erica Salgado,

Plaintiff,

Civil Action No.

v.

Capital One, N.A., Equifax Information
Services, L.L.C., Experian Information
Solutions, Inc., and TransUnion Interactive,
Inc.,

Defendants.

NOTICE OF REMOVAL

Without waiving any defenses, Defendant Capital One Auto Finance, a division of Capital One, N.A., erroneously named as “Capital One, N.A.” (“Defendant” or “Capital One”), by and through its counsel, hereby removes this civil action, pending in the Supreme Court of the State of New York, County of Kings, Index No. 524341/2024 (the “State Court Action”), to the United States District Court for the Eastern District of New York, pursuant to 28 U.S.C. §§ 1331, 1441, and 1446.

I. INTRODUCTION

1. Upon information and belief, Plaintiff, Erica Salgado (“Plaintiff”) is an individual residing outside the State of New York.

2. Upon information and belief, Defendant Equifax is a limited liability company with a principal place of business in Atlanta, Georgia.

3. Upon information and belief, Defendant Experian is a corporation with a principal place of business in Costa Mesa, California.

4. Upon information and belief, Defendant TransUnion is a corporation with a principal place of business in Chicago, Illinois.

5. Capital One is a corporation with a principal place of business in McLean, Virginia.

6. This action is a civil action within the meaning of the Acts of Congress relating to the removal of cases.

7. Plaintiff instituted the State Court Action by filing the Summons and Complaint (the “Complaint”) on or about September 10, 2024. A copy of the Complaint is attached hereto as **Exhibit A**.

8. Capital One received a copy of the Complaint on or about September 17, 2024, though Capital One does not concede that it has been properly served.

9. No other proceedings have been held in the Supreme Court of the State of New York, County of Kings. The documents attached hereto as **Exhibit A** thus constitute all process, pleadings and orders Capital One received concerning this action.

10. Consent of Plaintiff to this Removal is unknown; however, upon information and belief, no party will be prejudice by Removal of this Action.

11. Capital One has reviewed the docket for this action and to the best of Capital One’s knowledge, no other Defendant in this matter has appeared as of the date and time of the filing of this Notice of Removal. Accordingly, consent from Defendants Equifax Information Services,

LLC, Experian Information Solutions, Inc. and TransUnion, LLC is not required; however, upon information and belief, no party will be prejudiced by Removal of this Action.

12. This Notice of Removal is being filed within thirty (30) days of Capital One receiving a copy of the Complaint. Accordingly, this Notice of Removal is timely pursuant to 28 U.S.C. § 1446(b)(3).

13. In the Complaint, Plaintiff seeks to recover for violations of the Fair Credit Reporting Act (“FCRA”).

14. Capital One denies the allegations in the Complaint, denies that Plaintiff has stated any claim for which relief may be granted, and denies that Plaintiff has been damaged in any manner. Nevertheless, assuming for jurisdictional purposes only that Plaintiff’s claim is valid, Plaintiff could have originally filed the Complaint in this Court under federal question jurisdiction.

15. No previous application has been made for the relief requested herein.

II. FEDERAL QUESTION JURISDICTION

16. This Court has original jurisdiction over Plaintiff’s claims pursuant to 28 U.S.C. § 1331, which states that federal question jurisdiction is appropriately exercised over “all civil actions arising under the Constitution, laws, or treaties of the United States.”

17. Removal of this action is proper under 28 U.S.C. § 1441(a), which provides, in pertinent part, that “any civil action brought in a State court of which the district courts of the United States have original jurisdiction, may be removed by the defendant or the defendants, to the district court of the United States for the district and division embracing the place where such action is pending.”

18. In the Complaint, Plaintiff alleges Capital One violated the FCRA, 15 U.S.C. § 1681 *et seq.* See Ex. A, ¶¶ 36-39. Plaintiff seeks statutory punitive damages in addition to attorneys' fees. See Ex. A, p. 16.

19. Federal question jurisdiction exists over this action because the allegations asserted by Plaintiff in the Complaint involve questions that will require resolution of significant, disputed issues arising under federal law. This case qualifies for federal question jurisdiction and is removable because Plaintiff's Complaint alleges claims under, and requires a ruling on, federal law.

20. Pursuant to 28 U.S.C. § 1441(b), removal is proper irrespective of the citizenship or residence of the parties.

III. VENUE

21. Venue is proper in this Court because the Supreme Court of the State of New York, County of Kings, where this action is now pending, is within this judicial district. See 28 U.S.C. § 1441.

VI. NOTICE

22. Concurrent with the filing of this Notice, Capital One will file a Notice of Filing of Notice of Removal with the Clerk of the Supreme Court of the State of New York, County of Kings, a copy of which is attached hereto as **Exhibit B.**

23. Upon information and belief, the contents of **Exhibit A** constitutes the entire file of the action pending in the state court as required pursuant to 28 U.S.C. §1446(a).

WHEREFORE, Capital One, N.A. hereby removes this action from the Supreme Court of the State of New York, County of Kings, to the United States District Court for Eastern District of New York.

Respectfully submitted,

Dated: October 17, 2024
New York, New York

**TROUTMAN PEPPER HAMILTON
SANDERS LLP**

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*Attorneys for Defendant Capital One Auto Finance,
a division of Capital One, N.A.*

CERTIFICATE OF SERVICE

I hereby certify that on October 17, 2024 I electronically filed the foregoing document with the Clerk of the Court using the CM/ECF system, and sent, via FedEx Overnight Mail, to the following party. Service of the foregoing was within the time prescribed by the Rules of the Court.

Paul Camarena
Attorney for Plaintiff
26 Court St., No. 409
Brooklyn, New York 11242

I certify that I am not aware of the claims specifically asserted in the Complaint being the subject of any other action pending in this Court.

Dated: New York, New York
October 17, 2024

**TROUTMAN PEPPER HAMILTON
SANDERS LLP**

By: /s/ Stephen J. Steinlight
Stephen J. Steinlight

*Attorneys for Defendant Capital One Auto Finance,
a division of Capital One, N.A.*